

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

HEARING DATE: August 3, 2017
HEARING TIME: 9:30 AM

IN RE:

Andrew Panaro, Jr.,

DEBTOR.

X

CASE NO.: 17-72929-ast

Chapter: 13

JUDGE: ALAN S. TRUST

X

OBJECTION TO CONFIRMATION

**TO: THE HONORABLE ALAN S. TRUST,
UNITED STATES BANKRUPTCY JUDGE:**

Seung Woo Lee, Esq., an attorney duly admitted to practice law before this Court, hereby affirms the following under penalty of perjury:

1. I am an attorney regularly associated with the law firm of Rosicki, Rosicki & Associates, P.C., attorneys for the secured creditor, Federal National Mortgage Association ("Fannie Mae") (hereinafter, "Claimant"), and make this affirmation in objection to the confirmation of the Debtor's proposed Chapter 13 plan (the "Plan").

2. Claimant is a secured creditor of the Debtor pursuant to a Note and Mortgage Agreement executed by the Debtor and Tammy M. Panaro (the "Non-Filing Co-Debtor"), securing the property located at 1439 Maeder Avenue, Hempstead, NY 11566.

3. As the loan is pre-petition due for the September 1, 2007 mortgage payment, Claimant will be filing a claim itemizing said delinquency with associated fees, costs, etc. in excess of \$431,000.00 (Proof of Claim bar date is September 25, 2017). The proposed Plan fails to provide any of these arrears and alleges that Claimant waived tender of post-loan modification payments. Your Affirmant is in the process of reviewing this issue with Claimant.

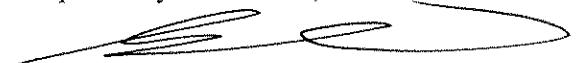
4. Claimant objects to confirmation because the Plan is insufficient to cure the pre-petition arrears owed to Claimant.

5. Pursuant to §1322(b)(3) and (5) of the Bankruptcy Code, the Chapter 13 plan of reorganization must cure a default owed to a creditor that holds a secured claim within a reasonable period of time. The Plan does not cure the default under the Note held by Claimant. Since the Plan does not cure the default under the Note, Claimant objects to confirmation of the Plan.

WHEREFORE, Claimant objects to the confirmation of the Chapter 13 Plan submitted by the above named Debtor and respectfully requests that such other relief as this Court deems just and proper be granted.

Dated: August 2, 2017
Plainview, New York

Respectfully Submitted,



ROSICKI, ROSICKI & ASSOCIATES, P.C.
By: Seung Woo Lee, Esq.
Attorneys for Claimant
Main Office: 51 East Bethpage Road
Plainview, New York 11803

TO:
Linda M Tirelli, Esq.
Debtor's Attorney
50 Main Street
Suite 405
White Plains, NY 10606

Marianne DeRosa, Esq.
Trustee
125 Jericho Tpke
Suite 105
Jericho, NY 11753

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

Andrew Panaro, Jr.,

CASE NO.: 17-72929-ast

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DEBTOR.

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OBJECTION TO CONFIRMATION OF PLAN

ROSICKI, ROSICKI & ASSOCIATES, P.C.

Attorneys for Claimant

Main Office: 51 East Bethpage Road
Plainview, New York 11803

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EASTERN DISTRICT OF NEW YORK

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IN RE:

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CASE NO.: 17-72929-ast

Chapter: 13

JUDGE: ALAN S. TRUST

Affidavit of Service

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STATE OF NEW YORK)
)
) ss:
COUNTY OF NASSAU)

Seung Woo Lee, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age and reside in Suffolk, New York.

On August 2, 2017, I served the within Objection to Confirmation of Plan on the following parties, by depositing a true copy thereof in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

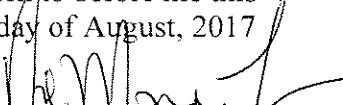
Linda M Tirelli, Esq.
50 Main Street
Suite 405
White Plains, NY 10606

Marianne DeRosa, Esq.
125 Jericho Tpke
Suite 105
Jericho, NY 11753



Seung Woo Lee

Sworn to before me this
2nd day of August, 2017


NOTARY PUBLIC

ROSEMARIE E. FORTINO
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01FO6241639
QUALIFIED IN NASSAU COUNTY
COMMISSION EXPIRES MARCH 23, 2019

ROSICKI, ROSICKI & ASSOCIATES, P.C.

ATTORNEYS AT LAW

Main Office: 51 East Bethpage Road

Plainview, New York 11803

Telephone 516-741-2585

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August 2, 2017

Chambers of the Honorable Alan S. Trust
United States Bankruptcy Court
Eastern District of New York
Long Island Federal Courthouse
290 Federal Plaza, PO Box 9013
Central Islip, NY 11722

**Re: Debtor: Andrew Panaro, Jr.
Bankruptcy Case No.: 17-72929-ast**

Dear Sir/Madam:

Enclosed please find one copy of the Objection to Confirmation of Plan.

Please note that the Confirmation Hearing is scheduled for **August 3, 2017 at 9:30 am.**

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

ROSICKI, ROSICKI & ASSOCIATES, P.C.

By:

RoseMarie E Fortino

Enclosures